

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:99-MJ-210-BR

UNITED STATES OF AMERICA

v.

SHEROD H. MAIR

ORDER

This matter is before the court on respondent's *pro se* motions "to authorize (direct) withdraw[al] of appointed counsel." (DE ## 158, 159.) Respondent seeks new counsel because current counsel has not had contact with him in over two years and "has failed to renew efforts in bringing the civil health risk assessment before the purview of the court." (DE # 159, at 2.) As a result, according to respondent, "there has been a complete breakdown in communication" between them. (Id.)

Respondent is currently represented by the Office of the Federal Public Defender. The Office of the Federal Public Defender has an expertise in this area, representing most persons appearing before this court for 18 U.S.C. § 4243 proceedings, like respondent. Although respondent has not had a hearing in four years, his recent risk assessment reports indicate minimal change in his behaviors (including violent ones), a continued lack of insight into his mental illness, and continued difficulty voluntarily complying with his medication regime. (See DE ## 148, 156.) Under these circumstances, it is not surprising that during this time counsel has not filed a motion on respondent's behalf seeking a hearing under 18 U.S.C. § 4247(h). While it is regrettable counsel may not have had contact with respondent for a prolonged period,

the court concludes the circumstances here do not warrant appointment of new counsel.
Respondent's motions are DENIED.

This 30 December 2019.



W. Earl Britt
Senior U.S. District Judge